

EXHIBIT L

REDACTED VERSION

OF DOCUMENT

SOUGHT TO BE SEALED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

vs.

Case No.

UBER TECHNOLOGIES, INC.; 17-cv-00939-WHA

OTTOMOTTO, LLC; OTTO

TRUCKING LLC,

Defendants.

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

CONTINUED VIDEOTAPED DEPOSITION OF DON BURNETTE

San Francisco, California

Friday, October 13, 2017

Volume II

REPORTED BY:

REBECCA L. ROMANO, RPR, CSR No. 12546

JOB NO. 2727778

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03:03:08

1 A. Not that I'm aware, no.

2 Q. And then the next question is, do you
3 dispute what Stroz Friedberg says here about you
4 accessing it?

5 MS. HARTNETT: Objection.

03:03:20

6 THE DEPONENT: I don't believe I accessed
7 it. So if I did, it was accidental. So I -- I
8 don't know.

9 Q. (By Mr. Jaffe) Now, turning to the next
10 page, it says, quote, In addition, Stroz observed
11 an Internet search on Burnette's MacBook Pro for,
12 quote, how to factory reset MacBook Pro, on
13 March 4th, 2016, which is the same day the
14 operating system was installed, upgraded, or
15 restored.

03:03:53

03:04:10

16 A. Uh-huh.

17 Q. Do you recall performing that Internet
18 search?

19 A. I don't.

20 Q. Did you search to -- or did you factory
21 reset your MacBook Pro on March 4th?

03:04:20

22 MR. BARTLETT: Objection.

23 THE DEPONENT: I may have. I don't
24 recall.

25 Q. (By Mr. Jaffe) Why?

03:04:28

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03:04:29

1 A. So I -- right after I started, I
2 accidentally dropped by MacBook Pro. It was badly
3 damaged. And so the software -- it was still
4 working for at least the time being. I quickly
5 backed it up on to a hard drive that was in the
6 office using Time Machine.

03:04:41

7 And then I was issued a new laptop. I
8 restored the image onto the new laptop. And then
9 the idea was that it was going to be given back to
10 Apple for repair, and it's possible that I was
11 going to re- -- re- -- reset the original before
12 sending it in to Apple.

03:04:56

13 Q. So around -- early March, you factory
14 reset your MacBook Pro then; is that fair?

15 MR. BARTLETT: Objection.

03:05:24

16 MS. HARTNETT: Join.

17 THE DEPONENT: I don't recall doing it,
18 but I believe I -- I would have only reset the one
19 that I was returning to Apple for repair.

20 Q. (By Mr. Jaffe) The next sentence talks
21 about, Deleted Potentially Relevant Files?

03:05:39

22 A. I don't see that sentence. [REDACTED]

23 [REDACTED]
24 Q. It's the heading on the -- towards the
25 top of the page.

03:05:47

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03:06:40

1 A. I do.

2 Q. [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 A. Not that I'm aware of.

9 Q. But it seems like Stroz thought you were

10 though.

03:06:59

11 MR. BARTLETT: Objection.

12 THE DEPONENT: They apparently did.

13 Q. (By Mr. Jaffe) And the next sentence

14 after this bullet list says, quote, The

15 installation of a new operating system on the

03:07:05

16 MacBook Pro would have the effect of deleting all

17 the current documents and emails on that machine.

18 Do you see that?

19 A. I do see that sentence.

20 Q. Was that your intent when you were

03:07:19

21 factory resetting your computer was to delete all

22 the current documents and emails on your machine?

23 MR. BARTLETT: Objection.

24 MS. HARTNETT: Misstates his testimony.

25 Objection.

03:07:28

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03:07:29

1 THE DEPONENT: So I -- I never deleted or
2 reset the machine I was actually using. Again, I
3 backed up and restored all the data from whatever
4 Time Machine backs up and restores, and I don't
5 know anything about that, onto my new laptop and
6 potentially reset the old one before sending it in
7 for repair.

03:07:42

8 Q. (By Mr. Jaffe) Did you provide both of
9 these laptops to Stroz?

10 A. I no longer had the old one in my
11 possession.

03:07:51

12 Q. Right. So we talked about two laptops.
13 Did you provide them both to Stroz?

14 A. I did not, no.

15 Q. Which one did you provide to Stroz?

03:08:00

16 A. The one I was actually using.

17 Q. And then the old one, you don't know
18 where that is.

19 A. I have no idea.

20 Q. Do you still have it?

03:08:07

21 A. I gave --

22 MS. HARTNETT: Objection.

23 MR. BARTLETT: Objection.

24 THE DEPONENT: I gave it back.

25 Q. (By Mr. Jaffe) To who?

03:08:12

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03:28:47

1 Do you recall that testimony?

2 A. Yes.

3 Q. Okay. So at that time, how many

4 MacBook Pros did you have?

5 A. Before I broke the one or --

03:28:56

6 Q. At time you broke it.

7 A. I had just one.

8 Q. And then after you broke it, there was a

9 time in which you had how many?

10 A. Two.

03:29:04

11 Q. So if -- so at the time you had two

12 MacBook Pros, you were asked about it's possible

13 that you reset one of them.

14 Do you recall that testimony?

15 A. Yes.

03:29:17

16 Q. So which one is it that you would have

17 reset, if one was reset?

18 A. I would have reset the one that was being

19 returned for repair.

20 Q. Are you aware of any of the information

03:29:25

21 on your old laptop that didn't make it onto your

22 new laptop?

23 MR. JAFFE: Objection. Form.

24 THE DEPONENT: I am not aware.

25 Q. (By Mr. Bartlett) You were asked about

03:29:35

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1 I, Rebecca L. Romano, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

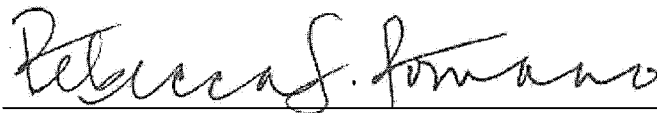
4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were administered an oath;
8 that a record of the proceedings was made by me
9 using machine shorthand which was thereafter
10 transcribed under my direction; that the foregoing
11 transcript is true record of the testimony given.

12 Further, that if the foregoing pertains to the
13 original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript [] was [X] was not requested.

16 I further certify I am neither financially
17 interested in the action nor a relative or employee
18 of any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.

21 Dated: October 16, 2017

22
23 

24 Rebecca L. Romano, RPR,
25 CSR. No 12546